

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Kermarec, et al.

SERIAL NO.: 10/054,207

FILED: January 22, 2002

FOR: Methods of Establishing Virtual Circuits
and of Providing a Virtual Private
Network Service Through a Shared
Network and Provider Edge Device
for Such) Examiner: Joseph E. Avellino
) Group Art Unit: 2143
) Customer Number: 23644
) Confirmation No. 4665

RESPONSE ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response is being filed as part of a Request for Continued Examination following the decision by the Board of Appeals and Interferences on October 29, 2010. No claim amendments are being made, since none are believed necessary in view of the arguments presented below.

Claims 20-27, 30-33, and 49-58 stand rejected under 35 USC 103(a) as being unpatentable over Jain in view of Walker in view of Goodwin as affirmed by the decision of the Board of Appeals and Interferences (BPAI) dated October 29, 2010.

Applicant requests reconsideration of the rejection because Goodwin does not have a valid claim to priority. Goodwin (US2002/0124107) claims priority from provisional application 60/256829 filed on December 19, 2000. The priority filing consists of 15 pages and only three drawings. The subsequent filing is substantially longer and includes 6 drawings.